

REMARKS

Claims 1, 5, and 9 have been amended. No claims have been added or canceled. Applicants request reconsideration of the application as amended and in light of the remarks set forth below.

Summary of Amendments

Claims 1 and 9 have been amended to recite a first hitch pivot at the forward end of the hitch for pivotable attachment to a hitch bar of a tractor. The stabilizer is now recited as preventing the hitch from pivoting about the first pivotable connection. Support for these limitations is found in the specification and drawings as originally filed.

Rejections Under 35 U.S.C. § 103

The Examiner has rejected Claims 1–5 and 9 as being unpatentable over U.S. Patent No. 6,119,789 to Taylor in view of U.S. Patent No. 3,093,394 to McCollum. Essentially, it is the Examiner's position that *Taylor* discloses all elements of Claims 1–5 and 9 except for a hitch for selective coupling to the drawbar of the tractor. *McCollum* is cited for the broad principle that hitches for coupling to the drawbar of the tractor are well known. Thus, according to the Examiner, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the hitch of *Taylor* by adding a hitch to couple to the drawbar of the tractor, as disclosed in *McCollum*, and thereby construct the invention of Claims 1–5 and 9.

The Examiner's rejection of Claim 1 is believed moot in view of the foregoing amendments. The present invention presents an approach which is neither taught nor

suggested by either *Taylor* or *McCollum*. The premise is that a drawbar hitch, which traditionally pivots at its forward end at the connection to the drawbar of the tractor, is prevented from pivoting at its normal location by means of a stabilizer which is coupled to the lift arms of the tractor. Instead of the implement pivoting with respect to the tractor at the forward end of the drawbar hitch, a hitch pivot located behind the stabilizer establishes a pivotable connection between the hitch and a front end of the towed implement. Thus pivoting movement between the tractor and the towed implement occurs at the pivotable connection, which is not at its traditional location at the tractor drawbar but instead is rearward of the stabilizer and at the forward end of the towed implement.

Neither *Taylor* nor *McCollum* disclose or suggest a drawbar hitch which is pivotably attached to a tractor drawbar and then prevented from pivoting. Further, since a drawbar hitch pivots at its forward end, there would be no need for a person of ordinary skill in the art to provide a hitch pivot at a rearward location on the drawbar hitch at the front end of the towed implement.

Further, this structure effectively disables a drawbar hitch from one of its primary functions, *i.e.*, providing a pivotable connection between the tractor and the towed implement. It would not be obvious to combine *Taylor* and *McCollum* if the resulting combination rendered the drawbar hitch inoperative for one of its primary functions.

A drawbar hitch and lift arms are two alternate means for coupling a drawn implement to a tractor. However, combining a drawbar hitch and lift arms into the same hitch assembly is not merely adding "belt and suspenders." Lift arms are coupled to drawn implements by attaching them directly to the implement, not to an intervening drawbar hitch.

If one were to combine the teachings of *Taylor* or *McCollum*, the result would be a drawbar hitch attached to the drawn implement, and lift arms attached to the drawn implement. There is no teaching or suggestion in either *Taylor* or *McCollum* to couple lift arms to a drawbar hitch. Thus, even if one were somehow led to attempt to combine the teachings of *Taylor* and *McCollum*, the claimed invention would not result.

In addition, lift arms are not traditionally used for lateral stabilizing and in fact have a degree of lateral “play” in them. It is only when the lift arms are attached to a drawbar hitch that they add lateral stability, as any forces tending to pivot the drawbar hitch will place one lift arm under tension and the other lift arm under compression. There is no teaching or suggestion in either *Taylor* or *McCollum* that coupling lift arms to a drawbar hitch will laterally stabilize the hitch assembly, a function for which the lift arms are not intended. Further, the coupling of the lift arms to the drawbar disables the lift arms for their primary intended purpose, namely, to raise and lower a drawn implement. It is well settled that a combination of prior art references is not obvious when one or more of the references are rendered inoperative for their intended use.

Further, drawbar hitches are not designed to be fixed with respect to the tractor but rather are designed to pivot. However, when the lift arms are attached to the drawbar hitch, the drawbar hitch is no longer able to pivot with respect to the tractor. There is no teaching or suggestion in either *Taylor* or *McCollum* that a drawbar hitch should be laterally stabilized so as not to pivot with respect to the tractor. The coupling of the lift arms to the drawbar disables the drawbar hitch for one of its primary intended purposes, namely, to permit the

drawbar to pivot with respect to the tractor. The Examiner's rejection of Claim 1 is therefore overreaching and should be withdrawn.

Regarding Claim 2, neither *Taylor* nor *McCollum* suggests a stabilizer displaceable along the length of the hitch to accommodate variations in longitudinal spacing between the drawbar and lift arms of the tractor. Even if one were somehow led to couple lift arms to a drawbar hitch, the only suggestion in *Taylor* or *McCollum* for mounting lift arms to a drawn implement is to mount the lift arms to pins fixed on an object in predetermined position. Because of variances in the length of lift arms from tractor to tractor, a drawbar hitch with fixed pins which fits the lift arms of one tractor would be incompatible with the lift arms of another tractor. By adding a stabilizer displaceable along the length of the hitch to accommodate variations in longitudinal spacing between the drawbar and lift arms of the tractor, this problem is overcome, and the device can be used with a variety of tractors having lift arms of different lengths.

With further regard to Claim 2, as the tractor pulls the sprayer and they go over rises and through dips, the angle of the hitch relative to the drawbar changes. The lift arms are in their float position and freely move up and down to accommodate these changes. However, due to the geometry of the attachment, the distance between the lift arm attachment point (ball and socket) and the drawbar pin location is constantly changing as the sprayer is towed. This is what makes necessary the floating longitudinal displacement feature of the lateral stabilizer. Normally, if a person was to adjust the position of the lift pins to accommodate the length of the lift arms, the new position would be fixed after adjustment because it would be accomplished with nuts and bolts to fasten the lift pins in the new position such as is shown

on the McCollum patent when his hitch is transformed. However this would not allow for the changes in terrain. Even the examiner assumes in her statement at the top of page 4 that the relative movement would be for different hitch types, not to accommodate the changing geometry. The lateral stabilizer displaceable along the length of the hitch automatically allows for this constant change and therefore is unique in its self-adjusting design.

Since this feature is neither taught nor suggested by either *Taylor* or *McCollum*, the rejection of Claim 2 should be withdrawn.

Claim 3 recites that the stabilizer is rotatable in a plane transverse to the length of the hitch to accommodate rolling movement of the tractor relative to the towed implement. There is no suggestion of this feature in either *Taylor* or *McCollum*, and the rejection of Claim 3 should be withdrawn.

Claim 4 recites the combination of the features of both Claims 2 and 3. For the reasons set forth above with respect to Claims 2 and 3, the rejection of Claim 4 should be withdrawn.

Claim 5 recites specific features of the stabilizer, including a “tubular central portion slidably mounted on a forward portion of the hitch.” For the reasons set forth above with respect to Claims 1 and 2, there is no teaching or suggestion in either *Taylor* or *McCollum* of a sliding connecting between lift arms and a drawbar hitch. The rejection of Claim 5 should therefore be withdrawn.

Claim 9 recites a hitch and a stabilizer extending laterally from the hitch and having elements for coupling to the lift arms of the tractor. As previously set forth with respect to Claim 1, there is no suggestion in either *Taylor* or *McCollum* of coupling lift arms to a

drawbar hitch. In the prior art, lift arms are coupled to the drawn implement in a fixed position for carrying the load, or a drawbar hitch is coupled to the drawn implement (though it should be added, not at the same time!), but lift arms are not coupled to a drawbar hitch. For this reason and the other reasons set forth above with respect to Claim 1, the rejection of Claim 9 should be withdrawn.

The foregoing is believed to be fully responsive to the Office Action dated August 11, 2005. For the reasons set forth above, the present application is believed to be in condition for allowance. Reconsideration of the application is requested, and allowance of the claims at an early date is courteously solicited.

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